



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/166915

PRELIMINARY RECITALS

Pursuant to a petition filed June 29, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on August 10, 2015, at Racine, Wisconsin.

With Petitioner's permission, the Forward Health database was consulted to determine whether Petitioner's AODA provider was Medicaid certified.

The inquiries were printed off and marked as Exhibit 5. A copy of this exhibit was been sent to [REDACTED] via e-mail and it has been sent to Petitioner with this decision.

The issue for determination is whether the Department of Health Services, Division of Health Care Access and Accountability (DHS) correctly denied the Petitioner's request for coverage of Non-emergency Medical Transportation to [REDACTED] for Alcohol and Other Drug Addiction treatment received on June 12, 2015 and June 15, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Soktheap (Tip) Pom, NEMT Contract Monitor
Bureau of Benefits Management
Division of Health Care Access and Accountability

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii

Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Racine County.
2. Petitioner has been eligible for medical assistance through Medicaid / BadgerCare since June 1, 2015. (Exhibit 4)
3. As a condition of his probation, the Petitioner is required to attend Alcohol and Other Drug Addiction (AODA) treatment at [REDACTED]. (Testimony of [REDACTED])
4. [REDACTED] is a provider that is covered by Medicaid/BadgerCare. (Exhibit 5)
5. On June 10, 2015, the Petitioner contacted [REDACTED], Inc. ([REDACTED]) to request coverage of transportation to his AODA appointments at [REDACTED] on June 12, 2015 and June 15, 2015. (Exhibit 1)
6. On June 12, 2015, [REDACTED] sent a letter to the Petitioner, advising him that his request for services was denied, because he was not eligible for transportation on the date that he called. (Exhibit 1)
7. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on June 25, 2015. (Exhibit 1)

DISCUSSION

Transportation to receive medical care is a covered service under Wisconsin's medical assistance programs. *Wis. Admin. Code §DHS 107.23*.

It is undisputed that [REDACTED] erred, in its initial denial of Petitioner's transportation request, because the Petitioner was, in fact, eligible for Medicaid/Badger Care effective June 1, 2015 and therefore, eligible for transportation services, as described in *Wis. Admin. Code §DHS 107.23*.

It is now DHS's position that the Petitioner's request for coverage of non-emergency medical transportation was correctly denied because his AODA provider was not an approved Medicaid provider. DHS is correct that non-emergency medical transportation by a specialized medical vehicle may only be approved if the patient is receiving covered services at the destination. *Wis. Admin. Code §DHS 107.23(c)(4)* However, DHS's position is quite curious, given that DHS did not know the name of Petitioner's provider and did not provide its representative with any documentation to support its claim.

Exhibit 4 is a print off from the Forward Health website and lists [REDACTED] as an approved provider in Racine, Wisconsin. Accordingly, it is found that DHS's argument is without merit.

DHS will have to cover the transportation, unless there is some other reason the Petitioner might be ineligible. If that is the case, DHS will have to issue a new notice to Petitioner explaining the basis of its denial and it must provide the Petitioner with new appeal rights.

CONCLUSIONS OF LAW

[REDACTED] / DHS incorrectly denied Petitioner's request for coverage of non-emergency medical transportation to [REDACTED] on June 12, 2015 and June 15, 2015.

THEREFORE, it is

ORDERED

That DHS/ [REDACTED] cover Petitioner's transportation to [REDACTED] in Racine, Wisconsin for the dates of June 12, 2015 and June 15, 2015. DHS/ [REDACTED] shall take all administrative steps necessary to complete this task within ten days of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

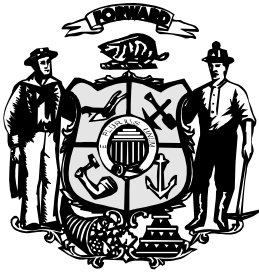
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 12th day of August, 2015.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 12, 2015.

Division of Health Care Access and Accountability
Soktheap.Pom@dhs.wisconsin.gov